

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

NOTICE

CONSENT TO TRIAL BY MAGISTRATE JUDGE

Pursuant to Federal Rule of Civil Procedure 73 and 28 U.S.C. § 636(c) you have the right to have your case conducted before a United States magistrate judge upon consent of all parties. In order to proceed before a magistrate judge, a consent form must be filed with the Clerk's Office. It may be filed jointly or separately. The consent form may be printed from the U.S. District Court website (listed below) or obtained from the Clerk's Office. Please refer to the previously mentioned rule for further information.

FINANCIAL INTEREST DISCLOSURE STATEMENT

Pursuant to Local Rule 7.1, a financial disclosure statement must be filed by a "nongovernmental corporation, partnership, trust, [or] other similar entity that is a party to, or that appears in, an action or proceeding in this Court." This statement should be filed in duplicate with the party's "first appearance, pleading, petition, motion, response, or other request addressed to the Court". The financial interest disclosure statement may be printed from the U.S. District Court website (listed below) or obtained from the Clerk's Office. Please refer to the previously mentioned rule for further information. Failure to file the financial interest disclosure statement as required by Local Rule 7.1 will result in this first submission being filed subject to defect by the Clerk.

WEBSITE AND CLERK'S OFFICES ADDRESSES

The website address for the U.S. District Court for the Eastern District of Virginia is www.vaed.uscourts.gov. If you do not have access to a computer, contact one of the Clerk's Offices listed below to obtain either of these forms:

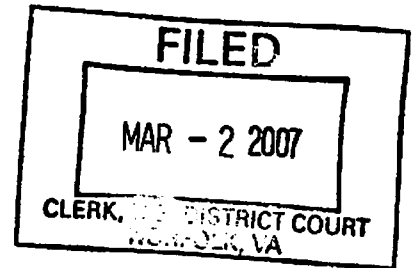
Albert V. Bryan United States Courthouse
401 Courthouse Square
Alexandria, VA 22314
(703) 299-2101

Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510
(757) 222-7201

Lewis F. Powell, Jr. United States Courthouse
1000 East Main Street
Richmond, VA 23219
(804) 916-2220

U.S. Postal Office and Courthouse Building
101 25th Street
PO Box 494
Newport News, VA 23607
(757) 247-0784

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK AND NEWPORT NEWS DIVISION**



In re: Motions in Civil Actions

ORDER

A party filing a motion or other pleading requiring a ruling, hearing or determination by the Court shall, as soon as the same is ready for judicial action, bring the motion or other pleading to the attention of the Court for decision, or indicate a desire for a hearing by contacting Michele McInnerney, Judicial Assistant. The Court may or may not grant a hearing.

All parties shall comply with the provisions of Rule 7(F)(1) and (2), Local Rules of Practice, which reads as follows:

(F) Briefs Required:

(1) All motions, unless otherwise directed by the Court and except as noted herein below in subsection 7(F)(2), shall be accompanied by a written brief setting forth a concise statement of the facts and supporting reasons, along with a citation of the authorities upon which the movant relies. Unless otherwise directed by the Court, the opposing party shall file a responsive brief and such supporting documents as are appropriate, within eleven (11) days after service and the moving party may file a rebuttal brief within three (3) days after the service of the opposing party's reply brief. No further briefs or written communications may be filed without first obtaining leave of Court.

(2) Briefs need not accompany motions: (a) for a more definite statement; (b) for an extension of time to respond to pleadings, unless the time has already expired, and (c) for a default judgment.

The clerk shall provide a copy of this Order to each plaintiff or counsel at time a Complaint is filed, and shall attach copies to the Complaint for service upon all defendants.

IT IS SO ORDERED.

/s/
Walter D. Kelley, Jr.
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
March 2, 2007

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Fernando Galindo
Clerk of Court

Alexandria
Newport News
Norfolk
Richmond

TO ALL COUNSEL:

PROCEDURE FOR CIVIL MOTIONS

This case has been assigned to **United States District Judge Walter D. Kelley, Jr.** All court papers in the case must be filed with the Civil Section of the Clerk's Office. The address is United States District Court, Room 193-B, 600 Granby Street, Norfolk, VA 23510.

Counsel and *pro se* litigants are reminded of Local Rule 7, which requires that all motions be accompanied by a Memorandum of Law (unless excepted by the Rule itself). Pursuant to Local Rule 29, all discovery motions will be heard by the Magistrate Judge assigned to the case. All other motions will be heard by Judge Kelley, unless he assigns it by Order to a Magistrate Judge for a Report and Recommendation. **A duplicate copy of any non-discovery Memorandum of Law (including Exhibits) must be sent directly to Judge Kelley's chambers. The duplicate copy will be used in ruling on your motion.**

Any party who wishes to orally argue a motion should contact Judge Kelley's Judicial Assistant, Michele McInnerney, at (757) 222-7014. We encourage you to contact Ms. McInnerney as promptly as possible after the motion is filed. Judge Kelley's docket often is quite heavy and prompt scheduling will help the Judge decide your motion in a timely fashion.

If the motion has not been scheduled for oral argument by the time the parties complete their briefing, the motion will be referred automatically to Judge Kelley for decision on the written submissions. Judge Kelley prefers oral argument, so Ms. McInnerney may nonetheless contact you to schedule a hearing should the Judge conclude that oral argument would materially assist him in deciding the case. These hearings are sometimes conducted by conference call.

FERNANDO GALINDO, CLERK

PRE-TRIAL MOTIONS TO BE DETERMINED
WITHOUT ORAL ARGUMENT

I. GENERAL

- A. The following motions are automatically referred by the civil section to Judge Kelley for decision, unless a request for oral argument accompanies the motion or responsive brief.
1. For change of venue to another court or divisional office of this court.
 2. To stay and/or for arbitration.
 3. To remand to state court.
 4. To join necessary party(ies). Rule 19, FRCP.
 5. Rule 12 motions to dismiss for:
 - a. Insufficiency of process of service (motion to quash).
 - b. For failure to state a claim upon which relief may be granted.
 - c. More definite statement.
 - d. Lack of jurisdiction.
- B. Other motions will be referred for decision to Judge Kelley when:
1. Directed by the Rule 16(b) order.
 2. Directed by the Judge; or
 3. Requested by all parties.